

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER OF COMPETENCY

07-CR-6059L

v.

CHRISTOPHER MARTIN,

Defendant.

On August 3, 2007, after the defendant had been examined by psychiatrists and found to be incompetent, the Court entered an order directing that the defendant be hospitalized at a federal medical facility pursuant to 18 U.S.C. § 4241(d)(1) to determine whether there was a substantial probability that defendant would regain the capacity to stand trial.

Thereafter, on January 28, 2008, the Bureau of Prisons sent a report to the Court and concluded that Christopher Martin is not presently suffering from a mental disease or defect and is now competent to proceed. This conclusion was based, in large part, on defendant's continued use of psychotropic medication.

On February 14, 2008, defendant was present with counsel. At that proceeding, counsel for the defendant advised that he did not wish to challenge the report and its findings of competency. The Government concurred with the competency finding, as well.

I have reviewed the report submitted from the Butner Federal Correctional Institution and, there being no objection, I find that Christopher Martin is now able to understand the nature and consequences of the proceeding and assist in his defense as acknowledged in the Certificate of Restoration of Competency submitted pursuant to 18 U.S.C. § 4241(e).

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 15, 2008.